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AN ACT
INCORPORATING
THE MILL CREEK
AND
MINE HILL NAVIGATION & RAIL ROAD CO.,

Passed the 7th day of February, A. D., 1828,

TOGETHER WITH THE SUPPLEMENTS THERETO.

POTTSVILLE :
PRINTED BY BENJ. BANNAN.

1854.

Changes allowed by ~~100~~

Wm. L. Wells, 4 cents Page 15

Wm. L. 2 " " 16

6 for 1/2 mile -

Wrighting 1 cent May 13-

Main Rts. Wells 2.40 1/2

Wm. L. 2 - 1/2

Fraction of 1/2 mile total = 1/2
chgs. 1/2 mile -

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AN ACT

Authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company.

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SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George C. Troutman and George M. Keim, of the county of Berks, and George Rahn and John Schall, of the county of Schuylkill, or any two of them, be and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of September next, procure a sufficient number of books, one or more of which shall be opened at some convenient place in the city of Philadelphia, also in Reading and Orwigsburg and Pottsville, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the President and Managers of the Mill Creek and Mine Hill Navigation and Rail Road Company the sum of fifty dollars for every share of stock set opposite to our respective names in such manner and proportions and at such times as shall be determined by the President and Managers of said company, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An act authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company." Witness our hand this day of in the year of our Lord, one thousand eight hundred and twenty . And shall thereupon give notice in one or more newspapers printed in the city of Philadelphia; two in Berks county, and two papers printed in Schuylkill county, for one calendar month at least, of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of the said Company, at which respective times and places one or more of the Commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name of any other person, who shall authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid at least six hours in every juridical day for the space of ten days, or until there shall have been subscribed the number of one thousand shares; and if at the expiration of ten days the books aforesaid shall not have the number of shares aforesaid, or any of them, therein subscribed, the said Commissioners may adjourn from time to time and transfer the books elsewhere, until the whole number of one thousand shares shall be subscribed, of which adjournment and transfer the Commissioners aforesaid shall give public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the book shall be closed: *Provided always*, that every person offering to subscribe in the

Commissioners appointed to receive subscriptions of stock.
Form of subscription.
Notice of the times and places of receiving subscriptions to be given.
Whole number of shares.
May adjourn and transfer books.

Proviso.

said books in his own or any other name, shall previously pay to the attending Commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription and other incidental expenses, and the remainder shall be paid to the treasurer of the incorporation as soon as the same shall be organised and the officers chosen as hereinafter mentioned.

When letters patent may be granted by the Governor.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That when one thousand shares or more of the said stock shall be subscribed and five dollars on each share paid, the Commissioners, or a majority of them, may certify to the Governor, under their hand and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon, the Governor shall by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The President and Managers of the Mill Creek and Mine Hill Navigation and Rail Road Company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same, from time to time by new subscriptions, in such manner and form, as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them, in the prosecution of their works, and of suing and being sued, and of doing all and every other matter or thing, which a corporation or body politic may lawfully do.

Style of the Company.

Powers and privileges.

Mode of organizing the Company.

Officers to be chosen.

Of proxies.

By-Laws.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the three first named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days' notice, in all the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organise the said Company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy duly authorised, one President and ten Managers, a Treasurer, Secretary, and such other officers as shall be deemed necessary, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented; that the President and Managers aforesaid, shall conduct the business of said Company, until the third Monday of January then next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations as do not contravene the Constitution and Laws of the United States or of this State, and that may be necessary for the well governing the affairs of the Company.

Of annual elections.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the last Monday of December, in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days by the Secretary, in the news-

papers before mentioned, and choose by a majority of votes present their officers for the ensuing year, mentioned in the third section of this act, who shall continue in office for one year and until others are chosen, and at such other times as they may be summoned by the Managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes, either the whole or any part of the same, in manner aforesaid, and to do and perform any other corporate act, and each person shall be entitled to one vote for each share not exceeding twenty, by him or her held, for every five additional shares one vote.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said President and Managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who, in the absence of the President, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the Treasurer, and generally to do all such other acts, matters, and things, as by this act and by the by-laws and regulations of the Company they are authorised to do: *Provided*, that such drafts or orders be signed by the President, or, in his absence, by a majority of the Managers present.

Of special meetings of the Board of Managers.

Their powers and duties.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the President and Managers first chosen shall procure certificates or evidence of stock for all the shares of the said Company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held; which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney [duly authorised in the presence of the President or Treasurer, each of whom shall keep a book for that purpose] subject however to all payments due or to become* thereon; and the assignee holding any certificate, having first caused the assignment to be entered in the book of the Company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the Company, incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share as the original subscribers would have been.

Certificates of stock to be procured.

Of their transfer.

Rights of assignees.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if after thirty days' notice in the public papers aforesaid of the time and place appointed for the payment of any proportion or instalment of the

Penalty for not paying instalments.

*The word "due" appears to be wanting in the original.

In what case
shares shall be
forfeited.

Suits may,
however, be
brought.

Proviso.

Authority to
make a canal,
slack water
navigation or
rail road.

Proviso.

Authority to
enter upon
lands in the
prosecution of
their works.

To erect locks
sluices, &c.

And make a
rail road.

said capital stock, in order to carry on the work, any stockholder shall neglect or refuse to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee shall in addition to the instalment so called for pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sum before paid in part and on account of such shares, the same shall be forfeited to the said Company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the said President and Managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the Company on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECT. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said President, Managers and Company to make a complete canal or slack water navigation or rail road, in the whole or in part, as to them shall seem most expedient, from a point at or near the mouth of Mill Creek, on the river Schuylkill, to a point on the Centre turnpike, at or near the foot of the Broad Mountain, for the passage up as well as down the said canal or rail road of every kind of arks, rafts, boats and craft, adapted to the navigation of the same, with such locks, sluices and other works as shall be necessary, and make use of the water of any creek or streams of water on or near the intended route of said canal, for the purpose of supplying the same with water: *Provided*, that no injury shall be done to any individual without just and reasonable compensation therefor, in the manner provided by the ninth section of this act.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the President, Managers and Company shall have power and authority by themselves, or their superintendents, engineers, artists and workmen, to enter upon any lands in any part or place thereof which appear to them most convenient and best adapted for the route of said canal or rail road, and to cut, break and remove and take away all trees, rocks, stones, earth, gravel and sand, or other materials, or any obstruction or impediment whatsoever on the said route, and to use all such timber, rocks, stones, gravel and earth, or other materials which may be found necessary in the prosecution of their works; and to form, make and erect and set up all such locks, sluices and devices whatsoever, which they shall deem most fit and convenient to make a complete canal navigation or rail road, from one end thereof to the other, so as to admit a safe and easy passage for loaded boats, arks, and every kind of vessel and craft, up as well as down the said canal, and to make and use all such means by collateral sluices, locks and devices as they may deem eligible and suitable for the said navigation, or to make a complete rail

road of iron, timber or other proper materials, as the said President and Managers shall determine, either in the whole or in part of said distance, satisfying the owner or owners therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint six suitable and judicious persons within the proper county where the land lies, or if they cannot agree on such persons then either of the parties may apply to the Court of Common Pleas of the proper county where the land lies, and said court shall award venire directed to the Sheriff, to summon a jury of disinterested men, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of said ground by reason of such lock, canal or sluice passing through his, her or their land, which report being confirmed by the court, judgment shall be entered thereon and execution may issue, in case of non-payment, for the sum awarded, with costs, to be assessed by the court; and it shall be the duty of the jury or six appraisers, as the case may be, in valuing any land, to take into consideration the advantages derived to the owner or owners of the premises from the said navigation passing through the same: *Provided*, that either party may appeal to the court within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

Proceedings where parties cannot agree as to damages.

Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the President and Managers by and with their superintendents, engineers, artists, workmen and laborers, with their tools instruments, carts, wagons and other carriages, and beasts of draft and burden may enter upon the lands contiguous and near to the said streams, giving notice to the owners or occupiers thereof, and from thence take and carry away any stone, sand, gravel or earth, doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damages that may be done to the improvements thereon, and paying for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by any three freeholders residing in the neighborhood, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, by any disinterested Justice of the Peace, of the proper county.

May enter upon lands for stone, gravel, &c., first giving notice and making amends for damages.

SECT. 11. *And be it further enacted by the authority aforesaid*, That as soon as the President, Managers and Company shall have perfected three miles on the said canal or rail road, and so from time to time, as they shall perfect additional miles they shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons to view and examine that part said to be completed and to make report to him in writing whether the said navigation, or rail road, is so far executed in a masterly, workmanlike manner, according to the true intent and meaning of this act; and if at any time their report shall be in the affirmative, then the Governor shall by license under his hand and the lesser seal of this Commonwealth, permit the said President, Managers and Company, or such person or persons as they shall from time to time appoint toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark or other vessel upon the said navigation or rail road, a sum not exceed-

On the completion of 3 miles notice to be given to the Governor, and viewers appointed.

License to take toll—when to be granted.

ing fifteen per cent. per annum, upon the amount of moneys which have been expended in the completion of the navigation or rail road, and in the support, improvement and continuance of the same from time to time, and for that purpose the said President, Managers and Company shall regulate and fix from time to time as they may think proper, the rate of toll to be paid to them by all persons upon all vessels, boats, arks, rafts and every other kind of craft using the said navigation, and upon all wagons, carriages and conveyances using the said rail road, sufficient to assure the payment of the said fifteen per centum per annum: *Provided*, that the rate of toll to be charged upon the said canal or rail road shall at no time exceed one per cent. per ton per mile on the ascertained burthen or capacity of any ark, boat, craft, wagon or other vehicle whatever used on said canal or rail road; *Provided also*, that if at any time hereafter the tolls should enable the Company, after repairing all repairs and other necessary expenses, to divide more than fifteen per centum per annum on the capital stock expended, then and in such case the tolls shall be so reduced that the dividends shall not exceed the said sum of fifteen per centum per annum: *Provided also*, that no toll shall be charged on coal boats, arks, wagons or other craft returning empty on said canal or rail road: *And provided*, that the locks of said canal shall not be less than eight feet six inches in width nor eighty feet in length.

On the rate of toll.

Proviso.

2d Proviso.

3d Proviso.

SECT. 12. *And be it further enacted by the authority aforesaid*, That in order to ascertain the size of rafts, arks and the tonnage of boats or wagons using or passing the said canal and lock navigation or rail road, and to prevent disputes between supercargoes and collectors of toll concerning the same upon the request of the owner or supercargo of such boat, raft or wagon, or the collectors of the said tolls at any lock upon the said canal and navigation, or the collector of toll on any part of said rail road, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said rafts, arks or wagons, and the loading the boat, ark or wagon is capable of carrying or actually contains; and the said boat, ark or wagon so measured and the loading ascertained, shall be permitted to pass through the said canal and locks or rail road, for the price per ton to which the number of tons so ascertained shall amount, agreeably to the rate fixed in the manner aforesaid; and if the owner or supercargo of any boat, raft, ark or wagon shall decline choosing a person resident within the township where the said toll is payable to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the President and Managers or chosen by the said collectors of tolls for the said Company, and the toll shall be paid according to the said measurement before any such boat, ark, raft or wagon shall be permitted to pass the place where such toll is made payable by the said President and Managers.

Size of rafts, arks, &c., how to be ascertained.

SECT. 13. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the master or commander of any boat, ark or other vessel, intending to pass through said canal, when they shall arrive within one fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or

Notice to be given when approaching locks.

sluice to let the said boat, ark or other vessel pass without unnecessary delay and in safety; and if any boat, ark or other vessel shall be prevented from passing up or down any of said locks or sluices, by reason of the lock not being raised for more than thirty minutes, the President and Managers and Company shall, on conviction thereof before any Justice of the Peace of the proper county, forfeit and pay to the person so hindered, the sum of four dollars, for every twenty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time.

Penalty for
not raising
locks.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the President, Managers and Company neglect or refuse to keep in good order and repair the said rail road, or any part thereof, or lock or sluice of their own construction, or shall neglect to remove any obstacle that may occur, so that the boats, arks, rafts or other vessels may at all times safely pass through the said canal, or wagons, carriages or conveyances along the said rail road, the President, Managers and Company shall for each and every offence, pay the sum of fifty dollars, to be recoverable before any Justice of the Peace, of the proper county, where the offence shall be committed, one half to the use of the informer and the other half to the use of the poor of the township where the neglect may occur.

Penalty for
not keeping
works in re-
pair.

How recover-
able.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the President and Managers of the said Company, shall keep fair and just accounts of all moneys received by them from the said Commissioners and from the subscribers to the said undertaking on account of the several subscriptions of all the penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also all moneys by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders at their annual meeting, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation or when the capital stock shall be nearly expended it shall be found that the said capital stock will be insufficient to complete the said navigation or rail road, according to the true intent and meaning of this act, it shall and may be lawful for the said President, Managers and Company at a stated or special meeting, to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties as herein before provided for by the original subscription or as shall be provided by their by-laws.

Accounts of
the Company
to be kept.

And submitted
to stock-
holders.

In what case
the capital
stock may be
increased.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said President, Managers and Company, shall also keep a just and true account of all the moneys received by their several and respective collectors of tolls, and all the moneys received for the use, rent or hire of water power and all emoluments, and shall make and declare a dividend of the clear profits and income thereof, among the stockholders, all contingent costs and charges being first deducted, and shall on the first Monday in January, and the first Monday in July every year publish the half yearly dividends made of the clear profits, and the time when and where the said will be paid to the stockholders, not

Of accounts of
Collectors of
toll.

Dividends to
be declared.

Abstract of accounts to be laid before the Legislature. exceeding twenty days thereafter, and shall cause the same to be paid accordingly; and shall on or before the first Monday in January, annually, from the passing of this act, lay an abstract of the accounts of their receipts and disbursement before the Legislature, under oath or affirmation of the President of the Company.

Time for commencing and completing the work. SECT. 17. *And be it further enacted by the authority aforesaid,* That if the President, Managers and Company shall not proceed to carry on the work within three years from the passage of this act and shall not complete the same within fifteen years, according to the true intent and meaning of this act, then and in either case all and singular the rights, liberties, privileges and franchises hereby granted to said Company, shall revert to the Commonwealth: *Provided always,* that in case of forfeiture or resumption by the Legislature, of the rights, liberties, privileges and franchises hereby granted, nothing herein contained shall be construed to work a forfeiture of the rights of individuals to water power under grants made by the President, Managers and Company, but the same shall be held by individuals in as full and as ample a manner as they might do if no such forfeiture or resumption had taken place, and in lieu of such resumption the principal sum paid or secured to be paid, when the conveyance has been in fee simple, and the accruing rents and profits when the said water power has been let for one or more years shall be forfeited to the Commonwealth; *And provided also,* that if the said Company shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the Legislature may at any time thereafter resume all and singular the rights, privileges and franchises hereby granted to the said Company.

Proviso.

2d Proviso.

Company not to engage in other business

In what case fords or bridges shall be made by the Company.

SECT. 18. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the Company hereby incorporated to engage directly or indirectly in any mining, manufacturing, commercial, banking or monied concern or transaction, or in any other business or operations whatsoever, than such as may be necessary and proper for a navigation or rail road company.

SECT. 19. *And be it further enacted by the authority aforesaid,* That whenever the said canal or rail road shall cross any public or private laid out road or highway, or shall divide the ground of any person into two parts, so as to require fords or bridges to cross the same, the said President and Managers shall be at liberty, as they think proper, at any time hereafter, either to build bridges or cause fords or passages to be rendered practicable and fit for the passage of carts and wagons, and the bottom of such fords and passages, shall be made of stone or wood or other sufficient materials, and the water of any such ford shall not be deeper than thirty inches and breadth of such ford or passage shall be twelve feet at least, and whenever such bridge or bridges which may have been erected, shall become dangerous or impassable, the said President and Managers shall either repair the same, or shall cause a ford or passage to be made in lieu thereof.

APPROVED—The seventh day of February, A. D. one thousand eight hundred and twenty-eight.

J. ANDW. SHULZE.

A SUPPLEMENT

To an Act authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company, approved the seventh day of February, eighteen hundred and twenty-eight.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Lawton and Francis B. Nichols, of the Borough of Pottsville, and Caleb Johnson and Stephen P. Morris, of the City of Philadelphia, be and they are hereby appointed Commissioners in addition to those appointed in the act, to which this is a supplement, and that the time for taking subscriptions for the stock of said Company, be and the same is hereby extended to the first day of September next, after the passage of this act.

Additional
Commission-
ers appointed.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That when four hundred shares or more of said stock shall be subscribed for, and five dollars actually paid on each share, of which the Commissioners, or a majority of them, shall certify, the said subscribers shall be entitled to be incorporated as is provided in the second section of the act to which this is a supplement, and the amount of each share of stock of said Company shall be twenty-five dollars.

When sub-
scribers to be
incorporated.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the officers to be chosen, shall consist of a President, six Managers and one person for Treasurer and Secretary, and that a quorum shall consist of a majority of the Managers.

Officers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That as soon as there are two miles of said canal or rail road made, the said Company shall be entitled to receive toll, as is provided in the eleventh section of the act to which this is a supplement.

When Com-
pany may re-
ceive toll.

APPROVED—The twenty-third day of April, one thousand eight hundred and twenty-nine.

J. ANDW. SHULZE.

A FURTHER SUPPLEMENT

To an act authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company, passed the seventh day of February, eighteen hundred and twenty-eight.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this law the President and Managers of the Mill Creek and Mine Hill Navigation and Rail Road Road Company, be and they are hereby authorised to receive and charge one and a half cents per ton per mile, from all persons using the said canal or rail road: *Provided*, that the whole of said road shall be completed with a double track,

Rate of toll.

Proviso.

Time of completion. within three years from the first day of April next, in conformity to the eighth and ninth sections of the act to which this is a further supplement :

2d Proviso. *And provided*, that the President and Managers of said Company shall, within three months after the completion of said road, make a return to the Prothonotary of the county of Schuylkill, to be by him filed on record in his office for the inspection of all those concerned, under oath or affirmation of the President and Secretary, of the actual cost of said rail road and amount of damages paid to individuals through whose lands the said road may pass.

Statement of cost of road to be filed within three months.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Company shall not prevent any person or persons, being the owner or owners of land bordering on the said rail road, or adjacent thereto, from making such lateral rail roads, and to connect them with said rail road from their said lands, as the said person or persons may conceive necessary for the purpose of transporting their coal or produce down or up the said rail road : *Provided*, that when any such lateral roads may be made, they shall be so constructed, as not to do any injury to the main rail road.

Right of owners of contiguous lands to make and connect lateral rail roads.

Proviso.

APPROVED—The twenty-ninth day of January, A. D. one thousand eight hundred and thirty. GEO. WOLF.

A FURTHER SUPPLEMENT

To an act entitled "An Act authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company," passed the seventh day of February, A. D. one thousand eight hundred and twenty-eight.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Mill Creek and Mine Hill Navigation and Rail Road Company, from and after the passing of this act, may in lieu of the tolls the said Company are authorised to charge and receive by the act incorporating the said Company, passed the seventh day of February, A. D. eighteen hundred and twenty-eight, levy and receive tolls on all goods, wares and merchandise and commodities of whatsoever kind, passing over the said rail road, or persons traveling on the same, at the following rates, that is to say—on each ton of produce, coal or other minerals, or of any other goods, wares and merchandise or commodities of what kind soever, not exceeding two and a half cents per ton, per mile; on each horse not employed in drawing a car or carriage on which toll is charged, one cent per mile; on each horse and its rider, not exceeding one cent per mile; on each person drawn in a car or carriage other than the rider, not exceeding one cent per mile; all fractions not less than half a ton to be considered a ton, and if less than half a ton to be rated at that weight, all fractions of half a mile in distance, to be rated at half a mile; and besides the toll so to be charged, it shall be lawful for the said Company

Rates of toll charged and established.

to demand and receive, for the use of the collector of tolls on the said road for the time being, and as a compensation for weighing and booking all coal or other minerals which may pass over the said road, the further sum of not exceeding one cent per ton on said coal or other minerals so transported on the said road, in consideration of which, he shall at all reasonable times, when so requested, exhibit to any person or persons interested therein, the accounts of said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof without fee or reward, and that the Company shall not be authorised to charge toll on empty coal cars, returning from the landings to the mines: *Provided*, that the whole of said rail road shall be completed, with double track, within two years from and after the passage of this act, in conformity to the eighth and ninth sections of the act to which this is a further supplement.

Allowance for weighing, &c.

No toll upon empty cars returning.

Proviso.

Road to be completed with double track within two years-

SECT. 2. *And be it further enacted by the authority aforesaid*, That the privileges granted by the seventh section of the act of Assembly, passed the third day of April, A. D. eighteen hundred and thirty-two, to the Mine Hill and Schuylkill Haven Rail Road Company, and extended by the ninth section of the same act to the President and Managers of the Danville and Pottsville Rail Road Company, the Mount Carbon Rail Road Company, the Little Schuylkill Navigation Rail Road and Coal Company, and the Little Schuylkill and Susquehanna Rail Road Company, be and the same are hereby extended to the Mill Creek and Mine Hill Navigation and Rail Road Company.

Privileges of 7th sect. of act of 3d April, 1832, extended to this Company.

APPROVED—The twenty-eighth day of January, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

A FURTHER SUPPLEMENT

To an act entitled "An Act authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company, passed February seventh, eighteen hundred and twenty-eight.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the stockholders of the Mill Creek and Mine Hill Navigation and Rail Road Company, may after twenty days' notice of the time and place, in the papers mentioned in the act to which this is a supplement, hold an election for all the officers they are now by law entitled to elect, who shall continue in office until others are chosen, according to the provisions of the law incorporating the said Company; and the officers so chosen shall have and possess the same power they would have had, if elected on the day prescribed by the said law; and the said Company shall not forfeit or lose any of its rights, liberties or franchises, by having neglected to elect officers on the day prescribed by law: *Provided further*, that if it shall happen that the stockholders of said Company should

Neglect to elect officers provided for.

Proviso.

Similar neglect guarded against in future. not elect officers for said Company, on the day mentioned in the act incorporating said Company, their charter shall not on that account be forfeited, but may hold the said election at any time thereafter by giving notice as prescribed in the said act.

APPROVED—The sixth day of March, Anno Domini, eighteen hundred and thirty-three. GEO. WOLF.

A FURTHER SUPPLEMENT

To an act entitled "An Act authorising the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company, passed the seventh day of February, Anno Domini, one thousand eight hundred and twenty-eight".

Construct substantial rail roads and lateral branches. SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Mill Creek and Mine Hill Navigation and Rail Road Company are hereby authorised to construct good and substantial rail roads, with a sufficient number of lateral branches, to accommodate the trade from about the junction of the present Little Wolf Creek branch rail road with the said Company's road to the upper coal mines on said Little Wolf Creek, and also from where the present lateral road leading to the landings in the town of Port Carbon, leaves the main road to Coal street in said town, a distance of about two hundred yards, subject to the same regulations and restrictions as are provided in the act to which this is a supplement, and the several supplements thereto.

Time extended to 1st January, 1841. SECT. 2. The time allowed for finishing the second track of said Mill Creek and Mine Hill Navigation and Rail Road, be and is hereby extended to the first day of January, one thousand eight hundred and forty-one.

May increase toll. Proviso. 2d Proviso. SECT. 3. The said Company may increase the toll on said branch rail roads until they yield fifteen per cent. on the capital invested in said branch roads: *Provided*, that in no event shall the toll exceed four cents per ton per mile in that proportion for the distance actually traveled on them and no more: *And provided also*, that the said Company shall file their intentions to accept both or either of the branch roads mentioned in the first section of this act, in the office of the Secretary of the Commonwealth, and shall commence the work within sixty days after the passage of this act, otherwise this act to be null and void.

APPROVED—The eleventh day of April, Anno Domini eighteen hundred and thirty-five. GEO. WOLF.

A FURTHER SUPPLEMENT

To the act entitled "An Act authorising the Governor to incorporate the Wallenpaupack Improvement Company," and for other purposes.

SECT. 7. *And be it further enacted by the authority aforesaid, That* the Mill Creek and Mine Hill Navigation and Rail Road Company, may receive tolls not exceeding four cents per ton per mile, on the branch roads of the said Company, and that the third section of the supplementary act to the act authorising the incorporation of the said Company, passed the eleventh day of April, eighteen hundred and thirty-five, and so much of the fourth section of the act of incorporation, as requires notice of the annual election for officers of said Company, to be given in two papers in Berks county, and two papers in the city of Philadelphia, be, and the same are hereby repealed, and the Legislature reserves the right to regulate and reduce the tolls hereby authorised.

Mill Creek & Mine Hill Navigation and Rail Road Co. tolls fixed. Repeal of parts of certain acts. Legislature reserves the right to regulate and reduce tolls.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-seven. JOS. RITNER.

A FURTHER SUPPLEMENT

To the act incorporating the Mill Creek and Mine Hill Navigation and Rail Road Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the Mill Creek and Mine Hill Navigation and Rail Road Company, to open, widen, and alter their railway, and extend the same across the river Schuylkill to form a connection with the Mount Carbon and Port Carbon rail road, and that they may change the location and direction of the same at any place between the points of beginning and ending specified in their charter, including the present extension across the river Schuylkill, so that it shall not be more than five rods wide, except at points for depots and engine stations, where it may be, if necessary, eight rods wide; that the said road may cross the river Schuylkill wherever the Managers may deem it expedient, subject in all cases to the damages expressed in their charter: *Provided*, that the said Company shall keep up and in repair, for constant use, as a branch road, the old rail road leading to the landings on the river Schuylkill, from a point from where the road authorised to be constructed by this act will diverge from the present rail road, near the house of William Kiehner, in the town of Port Carbon.

SECT. 2. That the said Company shall not be compelled to lay a double track until the Managers may think the business on said road will require it, but the widening and re-laying of one track with proper turn-outs, shall be completed within eighteen months from the passage of this act.

SECT. 3. That if the said Company exclude horse power from said road, they shall transport the loaded cars of all persons by locomotive steam engines, receiving said cars at the uppermost point to which the locomotives shall travel and deliver the same at the turn-out leading to the landings at Port Carbon, or at the junction of the Mill Creek and Mine Hill and Mount Carbon and Port Carbon rail roads, as the owners of said cars shall direct, and they shall charge for the motive power, at a rate not exceeding two cents per ton per mile on coal and other minerals and fossils, and they shall return the empty cars without further charge.

SECT. 4. That all the rights, privileges and immunities, granted to this Company in their original charter, and in the several supplements thereto, from time to time enacted, be and the same are hereby revived, extended and confirmed.

SECT. 5. That so much of the act or acts incorporating the Mill Creek and Mine Hill Navigation and Rail Road Company, and the several supplements thereto, as is inconsistent with the provisions of this act, be and the same are hereby repealed.

APPROVED—the seventh day of April, eighteen hundred and forty-five.
FRS. R. SHUNK.

Seventh Section of the Act of April 3d, 1832, referred to in the Text.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully infringe or fail to comply with any of the following rules and regulations, established for the due ordering of all traveling and transportation on the said road, and the preservation of the same, the said person or persons so offending shall be liable to pay, for the use of said Company, the penalty not exceeding the sum of five dollars for each violation or neglect of said rules and regulations, to be recovered by the said Company, or any one suing in their behalf before a Justice of the Peace, as in the case of debts under one hundred dollars, viz : all traveling shall ascend and descend on the track prescribed by the Company ; no car or carriage shall use the said road until numbered and registered by the officer appointed by the Company for that purpose ; any car or carriage having a tendency to run from the road, or otherwise injure the road, shall be immediately removed ; no car or carriage shall be loaded on the road, or stop, so as to impede the traveling thereon ; no car or carriage or other temporary obstruction, shall be left within three feet of the carriage tracks, nor any fixture of any kind shall be put up so as to interfere with the breadth of the road as authorised by law ; no person shall cut into, intersect or alter any part of the road, within its legal boundaries, without permission of the Board of Managers ; all cars or carriages must stop at the scales to be weighed, and the tolls paid whenever demanded ; all traveling on the road shall be in conformity with such rates of speed as the Board of Managers may from time to time appoint ; no car or other carriage shall pass on the said road, which will weigh with its loading

Penalty on infringement of rules, &c.

How recovered.

Company to regulate cars, &c.

Specific regulations.

a weight greater than that which may from time to time be prescribed by the rules of the Company; *Provided*, that nothing herein contained shall prevent the said Company, notwithstanding they may have sued for and recovered the penalties aforesaid, from pursuing other appropriate remedies at law, nor prevent the said Company from repealing, altering or modifying any of the said rules and regulations, as experience may show to be expedient.

Proviso.

Certain privileges granted to company.

A FURTHER SUPPLEMENT

To the act incorporating the Mill Creek and Mine Hill Navigation and Rail Road Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Mill Creek and Mine Hill Navigation and Rail Road Company, to extend their rail road from the present terminus, to the upper coal mines on said Mill Creek, or to any point or points that they may deem most convenient upon the land of the Broad Mountain Rail Road, upon said creek, not exceeding in distance six miles, and and to lay out, construct and build the same, with one or more good and substantial tracks, and a sufficient number of lateral roads or branches, not exceeding three miles each in length, to accommodate the trade of the entire road, and for that purpose they may increase their capital stock, or borrow one hundred and fifty thousand dollars, subject to the same regulations and restrictions as are provided in the act to which this is a supplement thereto.

Extended road.

SECT. 2. That any person or persons shall have the right of connecting lateral roads with said rail road, subject to the rules and regulations which may from time to time be adopted by the said corporation: *Provided*, That when such lateral roads may be made, they shall be so constructed as not to do any injury to the main rail road.

Right of connecting with the road.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

AN ACT

Relative to the Wills Hospital for the relief of the Indigent Blind and Lame; and also in reference to the Mill Creek and Mine Hill Rail Road Company; to the Election of School Directors in the First School District; to the Division Line between certain Counties; to the introduction of Powder into the City of Philadelphia; and to the Townships of Fairfield and Summit Hill, Crawford County.

SECT. 2. That it may be lawful for the Mill Creek and Mine Hill Navigation and Rail Road Company to construct a rail road from any and

Mill C
and M

Navigation point on their present rail road, which they may deem most expedient,
and Rail Road to the upper coal mines on said Mill Creek, or to any point or points
Company to that they may deem most convenient upon the land of the Broad
construct ad- Mountain Rail Road Company, upon said creek, and for that purpose
ditional road. they may increase their capital stock beyond its present amount, two
hundred thousand dollars, with all the powers and privileges, and sub-
ject to the same regulations and restrictions as are provided in the act
incorporating said company, approved the seventh day of February,
one thousand eight hundred and twenty-eight, and the several supple-
ments thereto.

WM. F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred
and forty-eight. FRIS. R. SHUNK.

A FURTHER SUPPLEMENT

*To an act entitled "An Act authorising the Governor to incorporate the
Mill Creek and Mine Hill Navigation and Rail Road Company,
passed the seventh day of February, Anno Domini, one thousand
eight hundred and twenty-eight, and in relation to Orphans Court
Deeds.*

SECT. 1. *Be it enacted by the Senate and House of Representatives
of the Commonwealth of Pennsylvania in General Assembly met, and
it is hereby enacted by the authority of the same, That the Mill Creek
and Mine Hill Navigation and Rail Road Company be and they are
hereby authorised and empowered to extend and continue their rail road
from its present upper terminus to the town of Shamokin, in the county
of Northumberland, by the most eligible route that may be determined
by the engineers of said company; and for the purpose of enabling the
said company to carry out the provisions of this act, and to accomplish
the object of their incorporation, the capital stock of said company be
increased in such manner, and at such times as the Board of Managers
of said company may determine, to an amount not exceeding seven
hundred thousand dollars, in addition to the previous capital of said
company: Provided, said extension shall be commenced within one
year after the passage of this act, and be completed within three years
from its commencement.*

WM. F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred
and forty-nine.

WM. F. JOHNSTON.

AN ACT

To authorise the sale of the Allegheny Bridge at Warren; relative to the Mill Creek and Mine Hill Navigation and Rail Road Company; and to divorce Aquilla Anderson from the bonds of Matrimony.

SECT. 2. That the Mill Creek and Mine Hill Navigation and Rail Road Company be and they are hereby authorised and empowered to extend and continue their rail road from any point on the main line, or New Boston extension of the same, to the town of Girardville, in Butler township, Schuylkill county, by the most eligible route determined upon by the engineers of said Company.

SECT. 3. That for the purpose of enabling the said Company to extend their railway as aforesaid, the capital of the Mill Creek and Mine Hill Navigation and Rail Road Company may be increased by an issue of stock of said Company, the whole amount of said increase not to exceed the sum of three hundred and fifty thousand dollars, at the par value of each share; and may and are hereby authorised, if they may deem it expedient, to extend and continue the said rail road from the said town of Girardville through the town of Ashland, to a point in or near the Locust Gap, in Northumberland county, and connect the same with any rail road that may be constructed from such point, to the Susquehanna river; and for the purpose of enabling the said Company to make said extensions, the capital stock of said Company may be increased to an amount not exceeding seven hundred thousand dollars.

SECT. 4. That if the Managers of the said Mill Creek and Mine Hill Navigation and Rail Road Company shall think it more advantageous to the interest of said Company to raise the necessary funds for the extension by means of a loan, in preference to an issue of stock, they are hereby authorised and empowered to borrow, at such times and in such amounts as they may determine, a sum of money not exceeding, in the whole, the sum of three hundred and fifty thousand dollars, at any rate of interest not exceeding six per cent., and for such time as the said Managers may prefer.

SECT. 5. That if in the said extension of said Mill Creek and Mine Hill Navigation and Rail Road Company it shall be found of advantage to use all or any portion of the grade of any rail road, incorporated or otherwise, it shall and may be lawful for the Managers of said Company to purchase said grade from any incorporated Company, or private individual or individuals, at any sum or price the said parties, sellers and purchasers may be able, mutually, to agree upon; and upon said purchase, the franchises belonging to said grade, if any do so belong, shall be absolutely vested in the Mill Creek and Mine Hill Navigation and Rail Road Company, subject to the provisions and requirements of the charter of said Company.

SECT. 6. That if in the said extension of said Mill Creek and Mine Hill Navigation and Rail Road Company, it shall be found advisable to use planes on any portion of the same, it shall and may be lawful for the Managers of said Company to purchase all the necessary machinery to properly work said planes.

J. S. McCALMONT.

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

We do hereby certify that the bill entitled an "Act to authorise the sale of the Allegheny bridge at Warren; relative to the Mill Creek and Mine Hill Navigation and Rail Road Company; and to divorce Acquilla Anderson from the bonds of matrimony," was presented to the Governor on the thirtieth day of April, one thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.
 SAML. W. PEARSON,
Clerk of the Senate.

